

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In The Matter of the)
Application of)

WT Docket No. 95-11

HERBERT L. SCHOENBOHM)
Kingshill, Virgin Islands)

DOCKET FILE COPY ORIGINAL

For Amateur Station)
and Operator Licenses)

To: Administrative Law Judge Edward Luton

MOTION TO EXPAND AND MODIFY THE ISSUES

The Chief, Wireless Telecommunications Bureau (Bureau), by her attorney, respectfully requests the issues be expanded and modified.

1. The Bureau has received information indicating that, during amateur communications observed on April 3, 1995, Schoenbohm stated that he is not permitted to make any requests for "political intervention" in this matter but other people could do so on his behalf. He then provided the name, address and telephone number of Congressman Victor Frazer. The attached declaration¹ by Mr. Hugh LeBlanc, made under penalty of perjury, is submitted in support of these allegations.

2. This is a restricted proceeding in which ex parte

¹ The original filing of this motion on May 3, 1995, included a facsimile of the declaration. An original declaration is attached to this filing.

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presentations are prohibited by Section 1.1208 of the Commission's Rules, 47 C.F.R. § 1.1208. Section 1.1210 of the Commission's Rules, 47 C.F.R. § 1.1210, provides that "No person shall solicit or encourage others to make any presentation he or she is prohibited from making ..." Schoenbohm has apparently violated that section.

3. Section 1.229 of the Commission's Rules, 47 C.F.R. § 1.229, provides that motions of this kind which are based on newly discovered facts shall be filed within 15 days after the facts are discovered by the moving party. This motion is based on information contained in a tape recording received by the Bureau on April 24, 1995, and is, therefore, timely.

Accordingly, the Bureau requests that the issues be expanded and modified to read as follows:

(a) To determine whether, in light of the conviction described in the Hearing Designation Order, Herbert L. Schoenbohm is qualified to renew his amateur service licenses.

(b) To determine whether Herbert L. Schoenbohm violated Section 1.1210 of the Commission's Rules, 47 C.F.R. § 1.1210, by soliciting or encouraging others to make a presentation that he was prohibited from making.

(c) If it is determined that Herbert L. Schoenbohm did violate Section 1.1210 of the Commission's Rules, 47 C.F.R.

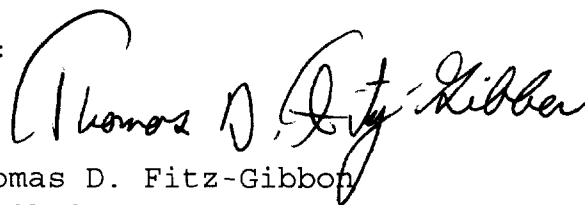
§ 1.1210, to determine the effect of such a violation on his qualifications to renew his amateur service licenses.

(d) To determine, in light of the foregoing issues, whether granting Herbert L. Schoenbohm's application would serve the public interest, convenience and necessity.

Respectfully Submitted,

Regina M. Keeney
Chief, Wireless Telecommunications Bureau

By:

A handwritten signature in black ink, reading "Thomas D. Fitz-Gibbon". The signature is written in a cursive, flowing style.

Thomas D. Fitz-Gibbon
Attorney

Attachment

Dated: May 9, 1995


Certificate of Service

I, Dana Davis, certify that, on May 9, 1995, a copy of the foregoing motion to enlarge and expand the issues, filed on behalf of the Chief, Wireless Telecommunications Bureau, was sent by First Class Mail to:

Mr. Herbert L. Schoenbohm
P. O. Box 4419
Kingshill, Virgin Islands 00851

and

Administrative Law Judge
Edward Luton (Hand delivered)



Dana Davis

**Before the
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Washington, D.C. 20554**

In The Matter of the)	
Application of)	WT Docket No. 95-11
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HERBERT L. SCHOENBOHM)	
Kingshill, Virgin Islands)	
)	
For Amateur Station)	
and Operator Licenses)	

DECLARATION

I, Hugh J. LeBlanc, under penalty of perjury, depose and state as follows:

(1) The attached is an accurate transcription of transmissions I monitored and recorded at approximately 8:30 a.m. ET on April 3, 1995.

(2) I determined that the transcribed transmissions were made by Herbert L. Schoenbohm on the basis of the following:

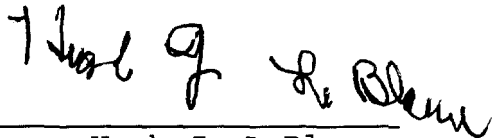
(a) Identification by the call sign KV4FZ (assigned to Schoenbohm).

(b) Recognition of Schoenbohm's voice. (I am familiar with Schoenbohm's voice because I have monitored his transmissions on an almost daily basis for approximately eight years.)

(c) Context.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on May 4, 1995.



Hugh J. LeBlanc

Attachment

TRANSCRIPT

Amateur station KV4FZ, at approximately 8:30 a.m. ET on April 3, 1995, frequency 14.313 MHz:

... KV4FZ.

[Other station cannot be heard.]

I'm not allowed under the ex parte rules to ask for assistance and ... (unintelligible) ... with people in political positions but other people, if they feel that government is overbearing or I'm being treated unfairly, have every right to -- to point this out to their elected representatives and congressional inquiries may indicate that things will be conducted under the scrutiny of greater illumination but I'm not permitted under ex parte rules to engage in asking for assistance. We don't have a Republican here but the person elected to Congress presently is from here. He's an independent. He's a wonderful person and I -- I was very, very instrumental in getting him elected to Congress. He presently, though, is a nonvoting delegate. We don't have a vote except in committee and I just don't know what he could do in a situation like this but I'm not permitted, I'm not permitted at this time because of the ex parte rules to make any requests for political intervention. Other people could do it on my behalf if they're so disposed but I can't do it.

[Other station cannot be heard.]

... (unintelligible) ... It's in the Longworth Building in Washington, D.C. Victor Frazer, F-R-A-Z-E-R, Victor Frazer. His phone number 202-225-1700.

[Other station cannot be heard.]